

city of saint paul  
planning commission resolution  
file number 18-73  
date November 2, 2018

WHEREAS, TK Dynamic Home LLC, in File # 18-109-691, has applied to rezone from B1 local business to T1 traditional neighborhood under the provisions of § 61.801(b) of the Saint Paul Legislative Code, property located at 1350 Payne Avenue, Parcel Identification Number (PIN) 20.29.22.42.0168, legally described as DENNY HILL ADDITION LOT 11 BLK 2; and

WHEREAS, the Zoning Committee of the Planning Commission, on October 25, 2018, held a public hearing at which all persons present were given an opportunity to be heard pursuant to said application in accordance with the requirements of § 61.303 of the Saint Paul Legislative Code; and

WHEREAS, the Saint Paul Planning Commission, based on the evidence presented to its Zoning Committee at the public hearing as substantially reflected in the minutes, made the following findings of fact:

1. The application requests rezoning from B1 Local Business to T1 Traditional Neighborhood. The site contains a building with three apartment units and a vacant former hair salon use. The rezoning would allow the former hair salon space to be converted to a fourth apartment unit.
2. The proposed zoning is consistent with the way this area has developed. The T1 district allows low-intensity mixed uses such as those found nearby along Payne Avenue.
3. The proposed zoning is consistent with the Comprehensive Plan, which designates Payne Avenue as a Residential Corridor.
4. The proposed zoning is compatible with the surrounding mix of uses, including both commercial and residential uses along Payne Avenue and surrounding residential uses.
5. Court rulings have determined that “spot zoning” is illegal in Minnesota. Minnesota courts have stated that this term “*applies to zoning changes, typically limited to small plots of land, which establish a use classification inconsistent with the surrounding uses and create an island of nonconforming use within a larger zoned property.*” The proposed zoning does not constitute “spot zoning” as the use classification is consistent with surrounding uses.

NOW, THEREFORE, BE IT RESOLVED, that the Saint Paul Planning Commission recommends to the City Council that the application of TK Dynamic Home LLC for rezoning from B1 local business to T1 traditional neighborhood for property at 1350 Payne Avenue be approved.

moved by DeJoy  
seconded by Unanimous  
in favor \_\_\_\_\_  
against \_\_\_\_\_